

1 State of Arkansas As Engrossed: H3/4/19 H3/6/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1567

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5 By: Representatives Lundstrum, Boyd, Burch, Cavanaugh, Coleman, Crawford, M. Gray, Ladyman,
6 McCollum, Petty, Richmond

7 By: Senators Bond, J. Cooper, Hester, G. Leding, *Irvin*

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For An Act To Be Entitled

10 AN ACT CONCERNING INVESTIGATIONS INTO SEXUAL ASSAULT;
11 CONCERNING SEXUAL ASSAULT COLLECTION KITS; *CONCERNING*
12 *THE SUBMISSION OF SEXUAL ASSAULT COLLECTION KITS; AND*
13 *FOR OTHER PURPOSES.*

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Subtitle

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CONCERNING INVESTIGATIONS INTO SEXUAL

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ASSAULT; CONCERNING SEXUAL ASSAULT

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COLLECTION KITS; AND CONCERNING THE

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SUBMISSION OF SEXUAL ASSAULT COLLECTION

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KITS.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 *SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 4, is amended to*
27 *add an additional section to read as follows:*

28 *12-12-406. Sexual assault collection kits – Submission for testing.*

29 *(a) As used in this section:*

30 *(1) "Anonymous kit" means a sexual assault collection kit that*
31 *is collected from a possible victim of a sexual assault who has not decided*
32 *whether to report the sexual assault to a law enforcement agency;*

33 *(2) "Healthcare provider" means a person or facility that*
34 *provides a medical-legal examination;*

35 *(3) "Law enforcement agency" means a police force or*
36 *organization whose primary responsibility as established by statute or*



1 ordinance is the enforcement of the criminal laws, traffic laws, or highway
2 laws of this state;

3 (4) "Medical-legal examination" means health care delivered to a
4 possible victim of a sexual assault, with an emphasis on the gathering and
5 preserving of evidence for the purpose of serving criminal justice;

6 (5) "Sexual assault" means an offense described in § 5-14-101 et
7 seq. or § 5-26-202; and

8 (6) "Sexual assault collection kit" means a human biological
9 specimen or specimens collected during a medical-legal examination from the
10 alleged victim of a sexual assault.

11 (b)(1) A healthcare provider that has collected required victim
12 information as part of a medical-legal examination shall enter the required
13 victim information into a sexual assault collection kit tracking system of
14 the State Crime Laboratory before transferring the sexual assault collection
15 kit to a law enforcement agency with jurisdiction.

16 (2) The system described in subdivision (b)(1) of this section
17 shall provide secure electronic access that allows a law enforcement agency,
18 a healthcare provider, the laboratory, and a victim to access tracking
19 information.

20 (3) A sexual assault collection kit collected by a healthcare
21 provider shall be taken into custody by a law enforcement agency as soon as
22 possible and within three (3) business days of notice from the healthcare
23 provider.

24 (c)(1) A law enforcement agency that receives a sexual assault
25 collection kit from a healthcare provider shall enter all necessary
26 information into the system described in subdivision (b)(1) of this section.

27 (2) A law enforcement agency that receives a sexual assault
28 collection kit from a healthcare provider that relates to a report of a
29 sexual assault that occurred outside of the jurisdiction of the law
30 enforcement agency shall have the sexual assault collection kit delivered to
31 the law enforcement agency having jurisdiction within ten (10) days of
32 learning that the other law enforcement agency has jurisdiction.

33 (d) A sexual assault collection kit shall be submitted to the
34 laboratory by the receiving law enforcement agency as soon as possible, but
35 no later than fifteen (15) days after receipt of the sexual assault
36 collection kit.

1 (e)(1) A law enforcement agency is not required to submit an anonymous
2 kit to the laboratory if the victim does not affirmatively request
3 submission.

4 (2) If a victim chooses to provide a personal statement about
5 the sexual assault to a law enforcement agency at any time after initially
6 declining to provide a personal statement, the anonymous kit shall be
7 delivered to the laboratory as soon as possible, but no later than fifteen
8 (15) days after the victim chooses to provide a personal statement to the law
9 enforcement agency.

10 (f) If available, a suspect standard or a consensual partner
11 elimination standard shall be submitted to the laboratory:

12 (1) With the sexual assault collection kit, if available, at the
13 time the sexual assault collection kit is submitted; or

14 (2) As soon as possible, but no later than fifteen (15) days
15 from the date the sexual assault collection kit was obtained by the law
16 enforcement agency, if the suspect standard or consensual partner elimination
17 standard is not obtained until after the sexual assault collection kit is
18 submitted.

19 (g)(1) Starting July 1, 2019, the laboratory shall test all sexual
20 assault collection kits that are received from a law enforcement agency with
21 the goal of developing autosomal DNA profiles that are eligible for entry
22 into the Combined DNA Index System.

23 (2) Sexual assault collection kits shall be tested by the
24 laboratory and the tests completed within sixty (60) days of receipt from the
25 law enforcement agency.

26 (3) The ability of the laboratory to complete all tests within
27 sixty (60) day of receipt may be dependent upon the following factors:

28 (A) The number of sexual assault collection kits that the
29 laboratory receives;

30 (B) The technology and improved testing methods available;

31 (C) The establishment of a fully trained and dedicated
32 staff to meet the caseload; and

33 (D) The number of lab requests received relating to other
34 crime categories.

35 (4) Failure to meet a deadline established under this subsection
36 or administrative rule is not a basis for dismissal of a criminal action or a

1 bar to the admissibility of the evidence in a criminal action.

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/s/Lundstrum

APPROVED: 4/10/19